

## MINUTES

### ALCOHOL AND TOBACCO COMMISSION

JUNE 17, 2003

#### CALL TO ORDER/NOTING OF QUORUM

Chairperson DePrez called the meeting to order and noted the quorum and the attendance. Present were Vice Chairperson Glass, Commissioner Davis and Commissioner Marks. Also in attendance were Industry Liaison Okey, Superintendent Davis and Executive Secretary Webb.

Ronna Chappell of ILBA, John Barnett of WSWI, B. Bischoff, Mike Jones, Pam Ferguson of WSWI and Jim Calvert of Olinger were present as observers.

#### COMMUNICATIONS FROM THE FLOOR

BELTERRA AND OGLE HAUS – Attorney Alison Frazier appeared before the Commission to get approval for Belterra Casino and Resort to change their floor plans to include Ogle Haus, so alcoholic beverages can be sold at the restaurant.

Ms. Frazier stated the Ogle Haus, at that time owned by Belterra Casino, closed in October of 1999. Prior to its closing, it did hold an alcoholic beverage permit. When the owners decided to reopen the Ogle Haus, in 2002, the owners were no longer qualified to hold an alcoholic beverage permit because they now owned an excursion permit. Ms. Frazier stated that her law firm contacted the ATC to see if there was any way an alcoholic beverage permit could be obtained for this business. It was suggested, by then Executive Secretary Dan Steiner, that a change in the corporate structure be made so the entity holding the excursion permit did not hold the retailer permit for Ogle Haus. An application was filed. However, the local board felt there was still a problem with the ownership, so the application was withdrawn. The request is now being made again, due to the fact that the Ogle Haus has been such an important part of Belterra by housing employees, contractors and providing meeting spaces.

The Switzerland County Council passed a Resolution stating that Belterra Casino and Resort is a vital part of the economy of Switzerland County and would like to see the Ogle Haus added to the floor plan of Belterra as a landsite support facility.

Vice Chairperson Glass stated that it should be made clear that this is for this permittee only and that this is not to set a precedent for future requests. If there are any other requests made by other permittees, they will be looked at on a case-by-case basis.

Commissioner Davis moved to approve the request for Ogle Haus to be added to the floor plan of Belterra Casino and Resort as a landsite facility. Motion seconded by Vice Chairperson Glass and it was unanimously approved.

## **DISPOSITION OF MINUTES**

Commissioner Marks moved to approve the minutes that were submitted for the June 3, 2003 meeting. Motion seconded by Vice Chairperson Glass and it was unanimously approved.

## **HEARING JUDGE'S RECOMMENDATIONS**

Chairperson DePrez moved to approve the PAD forms that were submitted for the June 17, 2003 meeting, pending review by her. Motion seconded by Commissioner Davis and it was unanimously approved.

## **CONSIDERATION OF APPLICATIONS**

I incorporate by reference these lists of permits for renewal, which have been recommended by local boards and reviewed by said staff with the authority of the Commission, and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Commissioner Marks and it was unanimously approved.

I incorporate by reference these lists of permit applications for a new permit or application for changes in location or ownership or both of existing permits, which have been recommended by local boards and reviewed by at least two Commissioners and hereby move for approval of same and inclusion of these lists as part of the minutes by exhibit. Motion seconded by Vice Chairperson Glass and it was unanimously approved.

I incorporate by reference these lists of permits to be placed in escrow for not more than one year, which have been reviewed and recommended by a Commissioner as appropriate for first or second year escrow and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Commissioner Marks and it was unanimously approved.

Four hundred thirty-seven (437) renewals approved, sixty-four (64) new and/or transfer permits approved, twenty-two (22) permits conditionally approved, fifteen (15) permits approved for first year escrow, eleven (11) permits approved for second year escrow and three (3) permits approved for third year escrow.

## **RENEWAL LETTERS AND WAIVER OF FEES**

Commissioner Marks moved to approve the renewal letters and the waiver of fees for letters of extension for the preceding weeks. Motion seconded by Vice Chairperson Glass and it was unanimously approved.

## **APPLICATIONS FOR DISCUSSION**

DL82-03077 WM B SHEPHERD – Vice Chairperson Glass noted this is a type 217 transfer of location application with the local board voting two (2) to one (1) to approve. Remonstrators were present. The local board member who voted to deny stated there was no need for the services.

Vice Chairperson Glass moved to uphold the local board's recommendation to approve and it was unanimously approved.

RR87-18445 M & J PARTNERSHIP – Vice Chairperson Glass noted this is a type 111 renewal and transfer of ownership application with the local board voting four (4) to zero (0) to approve. Remonstrators were present.

Vice Chairperson Glass moved to uphold the local board's recommendation to approve the renewal and transfer. Motion seconded by Commissioner Marks and it was unanimously approved.

DL50-19770 HOOK-SUPERX, INC. – Vice Chairperson Glass noted this is a type 208 renewal application with the local board voting three (3) to one (1) to approve. Remonstrators were present. The local board member who voted to deny stated this permit has a negative impact on the neighborhood.

Vice Chairperson Glass moved to uphold the local board's recommendation to approve the renewal. Motion seconded by Commissioner Davis and it was unanimously approved.

RC02-20357 AMVETS POST #55, INC. – Vice Chairperson Glass noted this is a new type 211-4 and Sunday sales application with the local board voting two (2) to one (1) to approve. Remonstrators were present. The one local board member who voted to deny the permit stated there was no need or desire in the community for this permit.

Vice Chairperson Glass moved to uphold the local board's recommendation to approve the new permit. Motion seconded by Commissioner Marks and it was unanimously approved.

RR71-04349 BUSBY, INC. – Vice Chairperson Glass noted this is a type 210 renewal application with the local board voting four (4) to zero (0) to disapprove. This applicant did not appear at the meeting and also owes county taxes.

Vice Chairperson Glass moved to uphold the local board's recommendation to deny the renewal. Motion seconded by Commissioner Davis and it was unanimously approved.

## **INACTIVE FILES**

Commissioner Marks moved to make ten (10) permits inactive. Nine (9) permits were not subject to auction and one (1) permit was subject to auction. Motion seconded by Vice Chairperson Glass and it was unanimously approved.

## **APPEALS FROM LOCAL BOARD RECOMMENDATIONS**

No Appeals from Local Board Recommendations

## **OLD BUSINESS**

No Old Business

## **NEW BUSINESS**

BEER SELLAR/TREE OF HOPE CHARITY BENEFIT – Beer Sellar would like to serve donated alcoholic beverages at a charity benefit for the Tree of Hope charity.

BOYS & GIRLS CLUBS OF ST. JOSEPH COUNTY – Boys & Girls Clubs of St. Joseph County would like to serve donated alcoholic beverages at a charity benefit.

CATHEDRAL HIGH SCHOOL FUNDRAISER – Cathedral High School would like to serve donated alcoholic beverages at their fundraiser.

CASINO AZTAR – Casino Aztar would like to serve donated alcoholic beverages at their party.

MAJESTIC STAR CASINO VENDOR PARTY – Majestic Star Casino would like to serve donated alcoholic beverages at their vendor party.

EVANSVILLE FREEDOM FESTIVAL – Freedom Festival would like National Wine and Spirits to be able to donate wine to their annual fundraiser.

CHARITY WINE TASTING FOR SHRINER'S CHILDREN'S HOSPITAL – Loucas Eleftheri would like to hold a wine tasting to benefit Shriner's Children's Hospital.

STANLEY K. LACY LEADERSHIP ASSOCIATION EVENT – Stanley K. Lacy Leadership Association would like to serve donated alcoholic beverages at their social event.

INDIANA BLACK EXPO RECEPTION DINNER/DANCE – Indiana Black Expo would like to serve donated alcoholic beverages at their dinner/dance.

INDIANA BLACK EXPO APPRECIATION DINNER – Indiana Black Expo would like to serve donated alcoholic beverages at their appreciation dinner.

Commissioner Davis moved to approve these requests. Motion seconded by Vice Chairperson Glass and it was unanimously approved.

### **POLICY DETERMINATIONS**

No Policy Determinations.

### **UNDER ADVISEMENT**

Nothing under advisement.

### **ANNOUNCEMENTS**

No Announcements

### **ADJOURNMENT**

Vice Chairperson Glass moved to adjourn the meeting. Motion seconded by Commissioner Marks and it was unanimously approved.

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2003.

---

MARY DEPREZ, CHAIRPERSON

---

BARBARA L. GLASS, VICE CHAIRPERSON

---

JAMES DAVIS, COMMISSIONER

---

GIGI M. MARKS, COMMISSIONER